## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

JERRY H. COOLEY,	)	
	)	
Movant,	)	
	)	
v.	)	No. 4:14CV1079 RWS
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent,	)	

## MEMORANDUM AND ORDER

Movant seeks to vacate his 180-month sentence for robbery of a federally insured institution under 28 U.S.C. § 2255. Movant is not entitled to relief.

Movant pled guilty on July 14, 2010. <u>United States v. Cooley</u>, 4:10CR205 RWS. In his plea agreement, he expressly waived his right to contest the judgment in a collateral proceeding, including a § 2255 motion. I sentenced movant on October 1, 2010. Movant did not appeal.

Voluntary waivers of postconviction rights are enforceable. <u>DeRoo v.</u> <u>United States</u>, 223 F.3d 919, 923 (8th Cir. 2000). Movant has not made any allegations that suggest the waiver should not be enforced. Moreover, the limitations period expired in October 2011. As a result, movant may not obtain relief on the motion.

Finally, movant has not met the burden for obtaining a certificate of appealability under 28 U.S.C. § 2253(c).

Accordingly,

IT IS HEREBY ORDERED that the motion to vacate under § 2255 is DISMISSED.

IT IS FURTHER ORDERED that I will not issue a certificate of appealability.

Dated this 13th day of June, 2014.

RODNEY W. SIPPEL

UNITED STATES DISTRICT JUDGE